

# HAWAII HAZARDOUS WASTE FACILITY SITING PROVISIONS

## Topics

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[Public Participation](#)

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## Relevant Statutes and Regulations:

- G *Hawaii Revised Statutes, Chapter 342J, Hazardous Waste*
- G Hawaii Administrative Rules, Title 11, Department of Health, 1995 Cumulative Edition
- G [http://www.state.hi.us/doh/rules/emd\\_rules.html](http://www.state.hi.us/doh/rules/emd_rules.html) contains the Administrative rules

## Other Relevant State Documents:

- G None.

## Web Address for the State Environmental Agency

- G <http://www.state.hi.us/doh/>

## [State] Hazardous Waste Facility Siting Provisions

### **Affected Facilities:**

**G** Hazardous waste management facilities [342J-2(2)(E)]

### **Definitions of Facility Types:**

**G** “Hazardous waste management facility” or “facility” means all contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combinations of them) [342J-2(2)(E)].

## Hawaii Hazardous Waste Facility Siting Provisions

Topic	Stage <sup>1</sup>	State citation <sup>2</sup>	Provision
<b>ADMINISTRATION</b>			
<b>STATE ADMINISTERING AGENCY</b>			
Director of the Department of Health (the Department) - responsibilities	PPA	<i>[342J-34(4)]</i>	The Director of the Department of Health may establish by rules and/or standards applicable to owners and operators of facilities for treatment, storage, or disposal of hazardous waste including requirements regarding the design, construction, and location of hazardous waste management facilities.
	PPA	<i>[342J-5(a)&amp;(b)]</i>	The Director prescribes the permit application form. The Director requires the application for permit be accompanied by plans, specifications and other information as deemed necessary to determine if the facility will be in compliance with applicable rules and standards.
	PA	<i>[342J-5(c)(4)]</i>	Public notice shall be given by the director of proposed decisions regarding permit issuance, denial, revocation or modification.
	PA	<i>[342J-4(a)]</i>	The Director may hold a public hearing before issuing a final decision regarding action on a permit if the director determines that such a hearing is in the public interest.
	PA	<i>[342J-38]</i>	Any person heard at the public hearing shall be given written notice of the action taken by the Department with respect to the rules.
	PPA	<i>[342J-30(c)]</i>	The director may appoint hearing officers to conduct public participation activities, including public hearings and public information meetings.
			The Director shall publish schedules for the submission of permit applications and other required information.

<sup>1</sup>PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

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## Hawaii Hazardous Waste Facility Siting Provisions

Topic	Stage <sup>1</sup>	State citation <sup>2</sup>	Provision
<b>THE INTERAGENCY COORDINATING COUNCIL</b>			
No provisions found.			
<b>INDEPENDENT SITING BOARD</b>			
No provisions found.			

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Topic	Stage <sup>1</sup>	State citation <sup>2</sup>	Provision
<b>LOCAL COMMUNITY NEEDS AND INVOLVEMENT</b>			
<b>LOCAL REVIEW/INVOLVEMENT</b>			
No provisions found.			
<b>OTHER AGENCY OR GOVERNMENTAL ENTITY INVOLVEMENT</b>			
No provisions found.			
<b>COMPATIBILITY OF FACILITY SITE WITH LOCAL SOLID WASTE MANAGEMENT PLANS</b>			
No provisions found.			
<b>IMPACT OF FACILITY ON LOCAL LAND USE</b>			
No provisions found.			

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Topic	Stage <sup>1</sup>	State citation <sup>2</sup>	Provision
<b>PUBLIC PARTICIPATION</b>			
<p>The federal regulations regarding the public participation process for the permitting of hazardous waste (RCRA) facilities can be viewed at <a href="http://earth1.epa.gov/epacfr40/chapt-I.info/subch-D/40P0124.pdf">http://earth1.epa.gov/epacfr40/chapt-I.info/subch-D/40P0124.pdf</a> within the Part 124 Procedures for Decisionmaking. Of course, the state regulations cannot be less stringent than these federal counterparts.</p>			
<b>NOTIFICATION</b>			
Notification to persons heard at public hearing.	PA	[342J-4(a)]	Any person heard at the public hearing shall be given written notice of the action taken by the department with respect to the rules.
Public notice of proposed decision for permit issuance.	PA PDP	[342J-5(c)(4)]	Public notice shall be given of proposed decisions regarding permit issuance, denial, revocation, or modification.
<b>PUBLIC MEETING</b>			
Hearing officer conducts public participation activities.	PA	[342J-38]	The director may appoint hearing officers to conduct public participation activities, including public hearings and public information meetings.
<b>PUBLIC HEARINGS</b>			
Hearing officer conducts public participation activities.	PA	[342J-38]	The director may appoint hearing officers to conduct public participation activities, including public hearings and public information meetings.
Public hearing regarding rules.	PA	[342J-4(a)]	Any person heard at the public hearing shall be given written notice of the action taken by the department with respect to the rules.
Public hearing on final decision for permit issuance.	PA	[342J-5(c)(4)]	The director may hold a public hearing before issuing a final decision regarding a permit issuance, denial, revocation, or modification, if the director determines that such a hearing is in the public interest.

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Topic	Stage <sup>1</sup>	State citation <sup>2</sup>	Provision
<b>ADJUDICATORY HEARINGS</b>			
Appeals	PA	<i>[342J-12]</i>	If any party is aggrieved by the decision of the director, the party may appeal to the circuit court of the circuit in which the party resides or which has the party's principal place of business or in which the action in question occurred, provided that the operation of a cease and desist order will not be stayed on appeal unless specifically ordered by a court of competent jurisdiction.
<b>OTHER</b>			
No provisions found.			

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## Hawaii Hazardous Waste Facility Siting Provisions

Topic	Stage <sup>1</sup>	State citation <sup>2</sup>	Provision
<b>SITING RESTRICTIONS AND PROHIBITIONS</b>			
Federal siting restrictions and prohibitions can be viewed at <a href="http://www.epa.gov/epacfr40/chapt-I.info/subch-I/">http://www.epa.gov/epacfr40/chapt-I.info/subch-I/</a> by selecting “Part 264 (Updated 1997) - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities”. The regulatory requirements are in Location Standards at 264.18 in the document. (State regulations cannot be less stringent than the federal counterparts.)			
<b>SOIL AND WATER</b>			
No provisions found.			
<b>SEISMIC CONSIDERATIONS</b>			
Placement of a facility over a fault.	PA	11-264-18(a)(1)	<p>Portions of new facilities where treatment, storage, or disposal of hazardous waste will be conducted must not be located within 61 meters (200 feet) of a fault which has had displacement in Holocene time.</p> <p>This requirement is the same as the Federal requirement at 40 CFR 264.18(a)(1).</p>
<b>FLOODING AND EROSION</b>			
100-year floodplain restrictions.	PA	11-264-18(b)(1) & (b)(1)(i)	<p>A facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can demonstrate to the director’s satisfaction that procedures are in effect which will cause the waste to be removed safely, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to flood waters.</p> <p>This requirement is the same as the Federal requirement at 40 CFR 264.18(b)(1) and (b)(1)(i)</p>

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Topic	Stage <sup>1</sup>	State citation <sup>2</sup>	Provision
<b>AIR</b>			
No provisions found.			
<b>DISTANCE LIMITATIONS/BUFFER ZONES</b>			
Placement of a facility over a fault.	PA	11-264-18(a)(1)	Portions of new facilities where treatment, storage, or disposal of hazardous waste will be conducted must not be located within 61 meters (200 feet) of a fault which has had displacement in Holocene time.
<b>OTHER HUMAN HEALTH CONSIDERATIONS</b>			
No provisions found.			
<b>ENVIRONMENTALLY SENSITIVE AREAS</b>			
No provisions found.			
<b>Endangered Species</b>			
No provisions found.			
<b>Critical Habitats</b>			
No provisions found.			
<b>Wetlands</b>			
No provisions found.			
<b>Wild, Scenic or Recreational Areas</b>			
No provisions found.			
<b>Approved Farmland Preservation Areas</b>			
No provisions found.			

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<b>Other</b>			
No provisions found.			
<b>OTHER RESTRICTIONS</b>			
Salt dome formations, salt bed formations, underground mines and caves.	PA	11-264-18(c)	<p>The placement of any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine or cave is prohibited.</p> <p>This requirement is the same as the Federal requirement at 40 CFR 264.18(c).</p>

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### Hawaii Hazardous Waste Facility Siting Provisions

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<b>ENVIRONMENTAL JUSTICE CONSIDERATIONS</b>			
No provisions found.			
<b>ECONOMIC CRITERIA</b>			
No provisions found.			
<b>OTHER CRITERIA</b>			
No provisions found.			

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